Summer Flounder, Scup, and Black Sea Bass Fishery Performance Reports June 2015

The Mid-Atlantic Fishery Management Council's (Council's) Summer Flounder, Scup, and Black Sea Bass Advisory Panel met jointly with the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Advisory Panels on June 17, 2015 to review fishery information documents for all three species and develop Fishery Performance Reports (FPRs) based on advisor perspectives on catch and landings patterns and other trends in these fisheries. **Please note:** Advisor comments described below are not necessarily consensus statements.

Council Advisory Panel members present: Meade Amory* (VA), James Beirnes (DE), Carl Benson (NJ), Bonnie Brady (NY), Skip Feller (VA), James Fletcher (NC), Jeffrey Gutman (NJ), Monty Hawkins (MD), Gregory Hueth (NJ), Brady Lybarger (NJ), Lisa Poyer (NY), Paul Risi (NY), Robert Ruhle (NC), Wes Townsend* (DE), Harvey Yenkinson (PA)

Commission Advisory Panel members present: Meade Amory* (VA), Robert Busby (NY), Jack Conway (CT), Greg DiDomencio (NJ), Kyle Douton (CT), Paul Forsberg (NY), Marc Hoffman (NY), Bob Meimbresse (NJ), Bill Shillingford (NJ), James Tietje (MA), Wes Townsend* (DE)

Others present: Julia Beaty (MAFMC Staff), John Boreman (MAFMC SSC), Kiley Dancy (MAFMC Staff), Mike Luisi (MAFMC/ASMFC), Kirby Rootes-Murdy (ASMFC Staff), Spencer Talmage (ASMFC Staff)

*Serve on both Council and Commission Advisory Panels.

Summer Flounder

Environmental and Ecological Issues

The advisors noted that from a broad biological perspective, the summer flounder fishery is performing well.

Market and Economic Issues

For summer flounder, many commercial representatives agreed that the commercial fishery is not performing economically as well as it could, but that it is performing much better than it was ten years ago.

Commercial representatives feel that there is potential to increase profits by reducing operating costs. State-by-state quotas and landings prohibitions by state result in significant steam time to bring fish back to port, increasing operating costs substantially. Several advisors noted that the magnitude of this issue is serious, but also recognized that landings flexibility is controversial with some potential negative consequences (for example, to shoreside operations such as processors, which are less able to adapt to changes in the distribution of landings). However, many feel that

vessels are spending too much to operate, and this issue should be addressed in one way or another. One advisor recently took an eight-day trip, of which two days were spent fishing. This advisor noted that the current landings regulations limit income, and if landings flexibility were an option, economically the fishery would be doing much better. If federal permit holders could land in any federal port, this would reduce steam time and present increased economic opportunity. An advisor also noted that agreements between states should be worked out where vessels could land a certain amount of fish in one state and the rest in another.

For the recreational fishery, the overall economy has had a big impact on effort for both the private and for-hire sectors. Advisors from southern New Jersey also noted that regional Conservation Equivalency in the recreational fishery has had severe negative economic impacts on southern New Jersey, due to management-induced effort shifts.

General Management Issues

Many advisors believe there is a need to address both the commercial and recreational size limits. Current large size limits focus effort on large females. Management should focus on reducing waste and utilizing more of the catch. Many advisors believed that current assumed discard mortality rates may be underestimates, in particular for the recreational fishery.

Commercial Management Issues

Several advisors noted that commercial management continues to improve, but changes can still be made to increase efficiency. Management has been fairly successful in spreading the landings out and developing management strategies by state.

A commercial representative noted that NMFS's current requirements for Turtle Excluder Devices (TEDs) are burdensome to commercial fishermen operating in the south due to the materials and configuration required. This advisor noted that the aluminum TED requirement is a problem, and that pre-stressed cable TEDs would be better but they are not approved by NOAA. This advisor thought Council should address this. He indicated that the distribution of summer flounder landings would shift if the TED regulations were changed.

A commercial representative thought the commercial trawl fishery should not have both minimum mesh size restrictions and minimum fish size restrictions. Several other advisors agreed that regulatory discards could be reduced by eliminating the minimum size, but keeping the minimum mesh size. Some advisors said that commercial fishermen would not target smaller summer flounder if there were no minimum size as there is a better market for larger fish.

One advisor requested that if a change in gear requirements such as mesh size is discussed, the Council and Commission should consider the cost to each vessel of changing nets, as this can be very expensive.

One advisor noted that there are regional differences in commercial summer flounder discard mortality. In northern areas, more fish are released alive due to use of conveyers on vessels to sort fish, whereas in the south, catch is more often dumped on deck and sorted using tools that can injure or kill fish.

Recreational Management Issues

Advisors from southern New Jersey noted that because Delaware has a smaller minimum fish size than New Jersey under regional Conservation Equivalency, recreational fishing effort has shifted away from southern New Jersey, causing severe negative economic impacts in the area.

Advisors from New Jersey noted that summer flounder tend to be smaller and arrive earlier in areas south of Barnegat Bay, compared to areas north of Barnegat Bay. This results in regional differences in the fishery; however, the recreational regulations are uniform throughout the state. Some advisors suggested that northern New Jersey should have different regulations than southern New Jersey. Another advisor noted that there will always be problems with differing measures in adjacent waters, no matter where the lines are drawn.

Advisors discussed the idea of managing the for-hire recreational fishery differently than the private/shore recreational fishery (i.e. sector separation). One advisor owns a for-hire vessel in Florida, where he participated in a pilot sector separation program for red snapper in the Gulf of Mexico. This program, he indicated, has been very successful, and vessels now have more choices of when and how to fish, and they can also trade fish among vessels. Several advisors noted that sector separation was a good idea in theory, but it still comes down to the current recreational estimates. Many did not see how these estimates could result in an equitable allocation given their lack of faith in the estimates for either recreational sector (see discussion of MRIP estimates, below). They pointed out that the idea of moving toward sector separation is motivated in large part by the current recreational data, in particular the perceived potential for for-hire vessels to develop a more accurate data collection system. However, many advisors believe the current MRIP data would be insufficient to use as the basis for separation. One advisor noted that the idea of sector separation is very controversial among private boat and shore anglers. Another advisor noted that sector separation should be an option and that managers should have the ability to make good choices from available options, but that sector separation is not necessarily the best answer and managers should build in flexibility to adapt.

Several recreational advisors from New Jersey noted that they are throwing back more fish than ever due to minimum size restrictions. Some advisors noted that anglers are not willing to pay for for-hire trips if they are not able to take fish home. At a two-fish bag limit, party/charter trips are much too expensive for many people. What a person can put on the table when they return from a fishing trip is an extremely important factor in whether people return for more trips.

One advisor raised the idea of a recreational total length limit instead of individual fish size limits, with total retention required. Several other advisors agreed with this suggestion. One advisor said the Council and Commission need to think outside the box in order to reduce waste in the fishery.

One advisor noted that the inability to target striped bass due to recent management changes has led to increased effort on summer flounder and black sea bass, and generally an increase in mixed species trips and bottom fishing near eastern Long Island, Rhode Island, Long Island Sound, and Massachusetts. This would account for some of the increased landings seen in the party/charter sector MRIP data for 2014.

<u>MRIP and Recreational Data Collection</u>

Advisors spent considerable time discussing perceived deficiencies in the summer flounder recreational data derived from the Marine Recreational Information Program (MRIP). One advisor commented that MRIP effort estimates have not reflected a drop in effort in New York and New

Jersey due to Superstorm Sandy in 2012. Another advisor pointed out that the MRIP effort surveys estimate fishing rates by contacting individuals over the phone, but that these effort interviews do not account for which states they actually fish in. For the for-hire recreational survey, one advisor noted that the intercept survey can be biased toward boats that are available at the dock and easy to survey, and sometimes surveyors get information from only one boat. Another advisor noted a similar problem with the intercept survey of private and shore anglers.

Advisors disagreed about whether the recreational summer flounder estimates for party/charter boat landings were biased high or biased low.

Some advisors commented that the states taking over the angler intercept surveys for MRIP may help improve the estimates. However, many noted that NMFS should be using the saltwater angler registry for the effort survey, and that the coastal household telephone surveys are not working. One advisor noted that with the registry, anglers could provide information about how and when to contact them in order to get a better response rate.

Many advisors agreed that NMFS should test a phone application and/or website as a possibility for collecting recreational data. Information collected from the commercial fishery has grown increasingly accurate, and improvements should be made on the recreational side. A pilot program using smartphone and website technology could be made incentive-based, so that people reporting get a lower cost license, special regulations, or other incentives. One advisor noted that when hunters buy a license, they have a responsibility to buy tags and report their activity. When people buy a fishing license, they should have a similar requirement.

Some advisors commented that error and uncertainties will be present either with self-reporting or with MRIP, but they believed that self-reported information would be more accurate. These advisors felt strongly that the dockside surveys don't provide accurate estimates.

One advisor noted that the separation of the catch and effort portions of the MRIP for-hire survey is a problem.

Advisors generally agreed that management should make better use of Vessel Trip Report (VTR) data from the for-hire sector. One advisor asked if for-hire vessels have the ability to report via the Interactive Voice Response (IVR) system. A for-hire representative indicated that the response rate would likely not be very good under this type of system.

Recreational Education and Outreach

One advisor emphasized the need for increased education and outreach on recreational summer flounder handling, release techniques, and optimal hook sizes. This advisor was part of a team conducting a recent study of discards and hook sizes in New Jersey, which found that as hook size increases, the size of landed fish increases and discards of undersized fish decrease.[1] The management community should be more involved in promoting this type of information to anglers in order to reduce discard mortality.

One advisor commented that the Council and Commission don't seem to engage with bait and tackle shops for outreach and education on management measures. Another advisor responded that bait and tackle shops spend a lot of time teaching customers about how to fish and where, which

[1] http://www.mafmc.org/s/09_SF-Bycatch-Combined.pdf.

is necessary to sustain interest in recreational fishing. Current complicated or restrictive regulations can discourage interest in recreational fishing. Increased engagement, especially for kids, is critical to the future of recreational fishing. Management could be more involved with this type of engagement by providing basic information online.

Research Needs

Some advisors commented that a sex-specific stock assessment model is needed, as sex information is not incorporated into the current assessment.

One advisor recommended a study on whether summer flounder segregate by season and by sex and said this information does not appear to be readily available from Northeast Fisheries Science Center (NEFSC) reports.

Another advisor suggested studying when and where spawning occurs relative to fishery catch to assess the possibility of adjusting regulations so the fishery can avoid spawning times and areas. Another advisor noted that it may be difficult to adjust regulations in this way as spawning times and areas would likely be difficult to delineate in a way that could be used for management.

Several advisors agreed that, given recent discussions of the effect of climate change on summer flounder distribution, it is important to get input from fishermen on where trawl surveys are conducted. There are now more fish outside of the areas currently surveyed.

Scup

Environmental and Ecological Issues

Advisors noted that scup biomass is high. A commercial representative described an observation from a fisherman and Council advisor who relies heavily on the scup fishery. This fisherman observed a very large school of scup, from east of Block Canyon as far as Hudson Canyon, representing all size classes. The school was uninterrupted for approximately 60 miles, in 60 feet to 60 fathoms of water.

One advisor noted that last year the Northeast Area Monitoring and Assessment Program (NEAMAP) survey observed very large catches of 1-year old scup, from Cape Hatteras to Vineyard Sound, indicating that another strong year class should be coming through.

Advisors described a recent abundance of jumbo scup, along with many small and medium sized scup.

Some advisors were concerned about potential impacts of high scup biomass on other commercially and recreationally important species. One advisor noted that he had recently discussed this issue with several scientists who noted that increasing biomass of managed species such as dogfish, black sea bass, and scup could potentially impact forage fish levels to the point of being a problem.

Market and Economic Issues

Many advisors noted that the commercial and recreational fisheries continue to under-harvest relative to the quotas because there is low demand for scup, both in the commercial and recreational fisheries. One advisor noted that one reason for a weak commercial market is due to past restrictions in the scup fishery that opened the market to imported tilapia. This has had lasting

impacts. Lowering or eliminating the commercial size limit would help improve the market for scup.

One advisor thought the Council should work to influence a name change for scup to increase market demand. One advisor said "Montauk sea bream" brings a higher price in New York than "scup." Many advisors would like additional information about what the rules and agency roles are with respect to name changes, and would like to know what role the Council and Commission could play. Another advisor suggested that NMFS could provide more outreach on sustainability to grow the market. These advisors felt that name changes and/or marketing efforts could benefit both the commercial and recreational fisheries for rebuilt species such as scup.

Commercial representatives noted that when the price is high, many fishermen target scup, and face increased competition. When fuel prices were particularly high, landings decreased due to the search costs associated with finding scup. These advisors also noted that the price can be highly variable within a short period of time, and there are some fishermen who make sure they are the first people landing scup at the dock to get the highest price. The mean or median price does not tell the whole story. The first vessel landing can often get a high price, and the impact to a vessel's revenue can be significant.

Some commercial advisors believed that the full commercial quota could be caught if there were a better market, along with higher trip limits. Others noted that this may not necessarily happen as there are many factors holding people back from catching a lot of scup. If the trip limits were higher, more scup would be caught even if prices were low, as scup landings can at least help cover a vessel's expenses.

Commercial Management Issues

A few commercial representatives noted that the recent increase from a 2,000 to a 12,000-pound initial possession limit for the Winter II quota period has been beneficial for the fishery. This past Winter II period there were effectively no discards.

A few commercial representatives noted that the analysis of trip limits presented in the Fishery Information Document and staff presentation showed inaccurate information, likely due to how dealer data were analyzed. The analysis showed that over the past few years, very few commercial trips landed volumes of scup that were close to the possession limit, especially during Winter I. A few commercial advisors said many fishermen have recently landed the full trip limits, particularly in New York. These advisors noted that the use of dealer data is likely giving an inaccurate picture of landings, since scup catch from a single trip is sometimes divided up among multiple dealers so the dealer reports do not show the overall total landed by one boat on a given trip. These advisors suggested using VTR data for this type of analysis. Council staff are working to resolve this issue.

One commercial representative thought, and others agreed, that given the current commercial minimum mesh size regulations, that the commercial minimum fish size for scup was unnecessary and should be eliminated. The minimum fish size results in regulatory discards.

Several commercial representatives agreed that the scup Gear Restricted Areas (GRAs) are no longer needed and are a hindrance to small mesh fisheries. Several advisors thought the GRAs should be completely eliminated.

Recreational Management Issues

Several advisors recommended lowering the recreational scup minimum size limit in the northern states by at least an inch. However, a recreational representative from Connecticut indicated that stability is generally more important than liberalization for the current scup recreational fishery, and this is why there has not been a big push to liberalize in the northern states. This advisor thought that recreational fishermen were generally content with the scup regulations.

An advisor from Massachusetts noted that the recreational "bonus season" in the northern states for the party/charter fishery draws anglers to the scup fishery on Cape Cod in the early spring. This advisor appreciated the flexibility of the northern states to identify the bonus season that works best for each states. For example, Massachusetts gets a higher bag limit early in season, while Rhode Island has theirs later in the season. There are good reasons for these regional differences and this approach should be continued.

One advisor asked whether much recreational scup fishing occurs in January and February. A party/charter captain from New Jersey said there is some fishing for scup, but it is hard to avoid areas where black sea bass are abundant.

Black Sea Bass

Environmental and Ecological Issues

Many advisors said that black sea bass abundance is high and the distribution of the species is expanding. Sea bass are being caught in areas not considered historical areas for this fishery. For example, sea bass are being caught in the Gulf of Maine out to 100 fathoms or more. NEAMAP survey data have indicated a shift in the center of the population.

A commercial fisherman noted that, particularly in the trawl fishery, they are seeing more black sea bass than they have seen in about 10 years. Another advisor agreed that everyone in the commercial fishery, inshore and offshore, are seeing more sea bass than ever.

An advisor from the southern end of the management unit pointed out that despite apparent changes in distribution and abundance, sea bass abundance has not decreased in the south.

One advisor mentioned that climate change and population shifts are part of the story, but management-induced shifts in spawning production are also affecting the stock. This advisor also noted that habitat fidelity that has been identified through tagging studies is really spawning site fidelity, and that management is needed on a regional basis.

One advisor noted that black sea bass are feeding on prey such as small crabs, clams, oysters, and lobsters, and are posing a threat to lobster and other managed species. He commented that it is critical to get an emergency opening for both the commercial and recreational black sea bass fisheries in order to prevent the large biomass from negatively impacting other managed species.

One advisor noted that trawl surveys avoid hard bottom and structure, so management is not getting a true estimate of black sea bass abundance.

One advisor commented that due to a harsh winter with many severe storms, many northeastern boats could not get out as often, and as a result effort may be down in those areas.

Market and Economic Issues

An advisor from Massachusetts noted that the commercial fishery is not able to meet the high market demand for black sea bass due to fishery regulations. Poaching and illegal sales are currently a huge problem. Because the commercial fishery is on a tight leash, some restaurants are willing to buy sea bass from anyone who will sell it.

General Management Issues

Many advisors called for increased quotas for the commercial and recreational black sea bass fisheries.

Several advisors noted that management is unable to quickly adapt to changes in biomass. Management changes often lag behind the biomass changes that fishermen see. By the time managers get data and implement regulations, fish stocks may already be in decline or may have increased substantially. Changes in biomass are then associated with changes in the regulations that may not have been in place in time to have truly had the assumed effect.

Commercial Management Issues

Commercial representatives noted that the commercial fishery is landing their full quota and the numbers are accurate, but that the landings data do not reflect the number of sea bass avoided or discarded. There are many more sea bass in the water than have been seen in years.

Similar to comments made for summer flounder and scup, several advisors agreed that there is no need for a minimum fish size in the commercial trawl fishery if there is an appropriate minimum mesh size.

Some commercial representatives requested the ability to transfer black sea bass at sea, in order turn some regulatory discards into landings. This would reduce waste in the fishery.

Recreational Management Issues

One advisor requested that the recreational party/charter season be opened year-round for black sea bass.

Advisors from many different areas indicated that they would like to see January and February (MRIP Wave 1) open for the recreational fishery. They commented that MRIP or other catch accounting should be in place to find out the value of those days to the fishery. When the recreational fishery has short seasons and fishing days are lost due to weather, there is no way to make them up.

Non-compliance and angler confusion are big issues, particularly in shared waters with differing regulations such as Eastern Long Island Sound, New York, and Rhode Island. Anglers have a difficult time tracking what they can keep, or where to go in order to be able to keep it. Some advisors described difficulty in marketing for-hire trips, since they cannot market a combination trip due to differing regulations in differing states, combined with the need to transit through the waters of other states.

<u>MRIP and Recreational Data Collection</u>

Similar to summer flounder, much of the discussion on black sea bass focused on problems with the MRIP estimates. For example, Maryland advisors noted that the MRIP numbers for their state have been dramatically underestimated in recent years, particularly for the for-hire fleet. Another

advisor noted that the state of Connecticut recently compared MRIP data to logbook data from the special access party/charter program and found that the numbers were quite different.

One advisor noted that MRIP intercept surveys do not ask anglers about discards of species for which the season is closed; they ask only about targeted and landed species. Some advisors thought this posed challenges for understanding discards. Many advisors saw a need to reduce discards and increase utilization.

Research Needs

One advisor recommended a study of how sea bass may be replacing the ecosystem role of other species, such as cod.

Some advisors expressed a desire that the next stock assessment take place this year, rather than next year; however, the group mostly agreed that more work needs to be done to get the assessment done right so it passes peer review and can lead to a change in management that is beneficial to the fishery.